

united transportation union

Illinois Legislative Board

8 S. Michigan Avenue Suite 2006 Chicago, Illinois 60603 Phone: (312) 236-5353 Fax: (312) 236-8209

ORIGINAL RECEIVED
SEP 30 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

September 29, 2003

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Vice-Chairman

D.L. KORTUM

Secretary

Docket Clerk

Illinois Commerce Commission

527 East Capitol Avenue, 9th Floor

Springfield, IL 62701

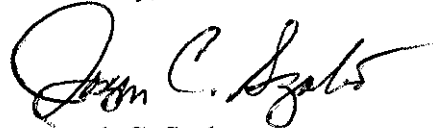
Citation

Re: Docket No. T03-0020

Dear Sir/Madam:

Please accept for filing in the above referenced docket involving Iowa Interstate Railroad, Ltd., a citation and penalty imposed by the Iowa Department of Labor Services against the said railroad for failure to provide drinking water on locomotives.

Sincerely,



Joseph C. Szabo

State Director

Copies mailed to:

T. Scott Bannister

Tim Lapp

REPRESENTATIVES

168	D.R. Omans
171	T.M. Dwyer
195	R.W. Linroth
196	R.D. Zillion
198	E.J. Kavanaugh
234	R.W. Guy
258	C.D. Volk
432	J.H. Burner
445	R.L. Ficht
453	L.R. Holman
469	L.F. Adamove
528	R.E. Parsons
565	G.L. Harper
577	D.L. McDonough
597	M.F. Doyle
620	G.T. Beck
653	J.E. McCarthy
740	H.E. Kijewski
768	J.D. Shively
979	C.E. Whyers
1003	J.C. Homan
1083	C.L. Fields
1258	M.S. Azzi
1290	J.D. O'Brien
1299	W.A. Booth
1358	D.W. Petet
1402	W.R. Melican
1421	J.C. Pastore
1423	E.A. Walck
1433	J.R. McNiff
1494	M.D. Mount
1525	W.P. Beyer
1534	R.F. Sullivan
1538	D.G. Martz
1597	J. Strejc
1883	D.L. Kortum
1895	R.J. Ross
1929	K. Guetterman
1973	T.H. Rodgers

DOCKETED

SEP 30 2003



Department of Labor Services

1000 East Grand Avenue
Des Moines, Iowa 50319-0209
(515)281-3606 Fax (515)281-7995
(800)JOB-IOWA

Richard V. Running
Director

Byron K. Orton
Commissioner

Thomas J. Vilsack
Governor

September 25, 2003

Patrick Hendricks
8450 Hickman Road
Clive, IA 50325

Dear Mr. Hendricks:

Enclosed please find a copy of the Citation which was issued to Iowa Interstate Railroad regarding unsafe working conditions at that establishment.

If there were conditions which you listed on your complaint that are not on the Citation, the reason may be twofold. First, those conditions may not have been present at the time of the inspection. And, second, they may not have been covered under the rules and regulations promulgated under the Iowa Occupational Safety and Health Act and, therefore, could not be cited.

If you have any questions regarding the above matter, please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script, reading 'Mary L. Bryant'.

Mary L. Bryant
IOSH Administrator

MLB:ys
Enclosure

cc: Mary L. Bryant, IOSH Administrator
cc: Case File 15017 (Complaint 204212138)

Iowa Division of Labor Services
Occupational Safety and Health Bureau

1000 East Grand
Des Moines, IA 50319
Phone: (515)281-3606 FAX: (515)281-7995

Citation and Notification of Penalty

To:
Iowa Interstate Railroad
and its successors
2920 Industrial Park Road
Iowa City, IA 52240

Inspection Number: 306678558
Case File/CSHO ID: 15071 / D9793
Inspection Date(s): 08/27/2003 - 09/10/2003
Issuance Date: 09/24/2003

Inspection Site:
800 Webster
Iowa City, IA 52240

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty describes violations of the Iowa Occupational Safety and Health Act. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the Iowa Division of Labor Services at the address shown above. Please refer to the enclosed booklet which outlines your rights and responsibilities and which should be read in conjunction with this form.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or , if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and holidays), whichever is longer. The penalty dollar amount(s) need not be posted and may be marked out or covered up prior to posting.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one within the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 3 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Division of Labor in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Iowa Employment Appeal Board and may not be reviewed by any court or agency.

Penalty Payment - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet.) Make your check or money order payable to "Division of Labor-IOSH". Please indicate the Inspection Number on the remittance.

IOSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action - For violations which you do not contest, you should notify the Division of Labor promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform this office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the Division of Labor at the address shown above.

Employer Responsibilities and Courses of Action Following an IOSHA Inspection - The enclosed booklet outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Division of Labor at the address shown above and postmarked within 15 working days (excluding weekends and holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Iowa Division of Labor Services
Occupational Safety and Health Bureau

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the citation(s) issued on 09/24/2003. The conference will be held at the Division of Labor office located at 1000 East Grand, Des Moines, IA, 50319 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

Iowa Division of Labor Services
Occupational Safety and Health Bureau**Inspection Number:** 306678558
Inspection Dates: 08/27/2003-09/10/2003
Issuance Date: 09/24/2003**Citation and Notification of Penalty****Company Name:** Iowa Interstate Railroad
Inspection Site: 800 Webster, Iowa City, IA 52240**Citation 1 Item 1 Type of Violation: Other**

IAC 875 - Chapter 10

1910.141(b)(1)(i): Potable drinking water was not provided in all places of employment.

- (a) Locomotives - The employer did not provide potable drinking water on the locomotives. Employees were required to provide their own containers if they wanted water on the trains.

Date By Which Violation Must be Abated:	11/12/2003
Proposed Penalty:	\$ 550.00

Citation 1 Item 2 Type of Violation: Other

IAC 875 - Chapter 10

1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure and employee training to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, start up or release of stored energy could occur and cause injury, the machine or equipment would be isolated, and rendered inoperative in accordance with 1910.147(c)(4):

- (a) Iowa City Workhouse/Diesel Shop - The employer did not have an energy control program to be followed for preventing the unexpected energizing of equipment being serviced; including, but not limited to, the air compressor.

Date By Which Violation Must be Abated:	11/12/2003
Proposed Penalty:	\$ 0.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Iowa Division of Labor Services
Occupational Safety and Health Bureau

Inspection Number: 306678558
Inspection Dates: 08/27/2003 - 09/10/2003
Issuance Date: 09/24/2003

Citation and Notification of Penalty

Company Name: Iowa Interstate Railroad
Inspection Site: 800 Webster, Iowa City, IA 52240


Citation 1 Item 3 Type of Violation: Other

IAC 875 - Chapter 10

1910.1200(e)(1): The employer did not maintain at the workplace a written hazard communication program which describes how the criteria specified in 1910.1200(f), (g), and (h) will be met:

- (a) Iowa City Station - The employer did not have a written hazard communication program for the hazardous chemicals used by employees. Employees fueled locomotives with diesel fuel and used oils during maintenance operations.

Date By Which Violation Must be Abated:	11/12/2003
Proposed Penalty:	\$ 0.00



Mary L. Bryant
IOSH Administrator

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Iowa Division of Labor Services
Occupational Safety and Health Bureau

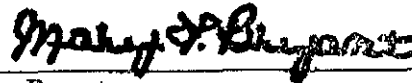
1000 East Grand
Des Moines, IA 50319
Phone: (515)281-3606 FAX: (515)281-7995

PENALTY SUMMARY

Company Name: Iowa Interstate Railroad
Inspection Site: 800 Webster, Iowa City, IA 52240
Issuance Date: 09/24/2003
Case File/CSHO ID: 15071 / D9793

Summary of Penalties for Inspection Number 306678558

Citation 1, Other = \$ 550.00
TOTAL PROPOSED PENALTIES = \$ 550.00



Mary L. Bryant
IOSH Administrator